

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS ALFONSO BOLANOS,

Petitioner,

v.

PATRICK CORVELOO,

Respondent.

Case No. 1:25-cv-00585-KES-EPG-HC

ORDER GRANTING PETITIONER LEAVE
TO AMEND

ORDER DIRECTING CLERK OF COURT
TO SEND PETITIONER BLANK § 2254
FORMS

Petitioner Carlos Alfonso Bolanos is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

I.

DISCUSSION

The Rules Governing Section 2254 Cases (“Habeas Rules”) require preliminary review of a habeas petition and allow a district court to dismiss a petition before the respondent is ordered to file a response, if it “plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.” Rule 4, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

Habeas Rule 2(c) states that a petition must “(1) specify all the grounds for relief available to the petitioner; [and] (2) state the facts supporting each ground.” Petitioner must state his claims with sufficient specificity. See *McFarland v. Scott*, 512 U.S. 849, 856 (1994);

1 Hendricks v. Vasquez, 908 F.2d 490, 491–92 (9th Cir. 1990). “A prime purpose of Rule 2(c)’s
2 demand that habeas petitioners plead with particularity is to assist the district court in
3 determining whether the State should be ordered to ‘show cause why the writ should not be
4 granted.’” Mayle v. Felix, 545 U.S. 644, 656 (2005) (quoting 28 U.S.C. § 2243).

5 Here, the instant petition does not set forth any grounds for relief or factual allegations. It
6 is essentially a blank petition and therefore should be dismissed. However, a petition for habeas
7 corpus should not be dismissed without leave to amend unless it appears that no tenable claim for
8 relief can be pleaded were such leave granted. Jarvis v. Nelson, 440 F.2d 13, 14 (9th Cir. 1971).
9 Therefore, the Court will grant Petitioner an opportunity to file an amended petition.

10 **II.**

11 **ORDER**

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Petitioner is GRANTED leave to file a first amended petition within **THIRTY (30) days**
14 of the date of service of this order; and
15 2. The Clerk of Court is DIRECTED to send Petitioner blank § 2254 habeas forms.

16
17 IT IS SO ORDERED.

18 Dated: **July 7, 2025**

19 /s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE